

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BRIAN ERIC CARR,

Petitioner,

v.

Civil Action No. 5:06CV61
(STAMP)

JOYCE FRANCIS,

Respondent.

**ORDER GRANTING IN PART AND DENYING IN PART
PETITIONER'S MOTION FOR EXTENSION TO FILE
OBJECTIONS TO REPORT AND RECOMMENDATION**

On August 10, 2007, the petitioner, appearing pro se, filed a motion for extension of time to file objections to the magistrate judge's report and recommendation. In his motion, the petitioner requests an extension of time to file objections to the magistrate judge's report and recommendation. He requests that the extension of time begin ten days after he receives his personal property, which contains his legal records and documentation.

This Court finds that it would be beneficial to grant the petitioner's motion for extension of time to file objections to the report and recommendation; however, this Court finds that the objections must be filed by a certain date. Accordingly, the petitioner's motion for an extension to file objections to the magistrate judge's report and recommendation is hereby GRANTED IN PART and DENIED IN PART. The petitioner shall file objections on or before **September 13, 2007**, which is thirty days after the date objections were due, which was August 13, 2007. Petitioner's objections must be based upon the record created at the time of the

magistrate judge's report and recommendation. Matters not considered in the report and recommendation will not be considered in any objection. Even if petitioner receives his "personal property" prior to September 13, 2007, it cannot be used as part of any objection unless it concerns a matter that was considered by the magistrate judge in his findings.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: August 15, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE